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49455	7590	03/31/2005	EXAMINER	
STEIN, MCEWEN & BUI, LLP				
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WASHINGTON, DC 20005				
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/882,177	SEO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mary Cheung	3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 30 December 2004.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-4, 6, 7 and 28 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-4, 6, 7 and 28 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the Attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to the amendment filed on December 30, 2004. Claims 1-4, 6-7 and 28 are pending. Claims 4 and 6 are amended. Claims 5 and 8-27 are canceled. Claim 28 is newly added.

### ***Response to Arguments***

2. Applicant's arguments filed December 30, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Yeates (U. S. Patent 5,644,782) teaches an updating apparatus that updates primary data, and Yeates does not specifically teach determination whether the data should be updated based on the date and time of the last update recorded; however, Kullick (U. S. Patent 5,751,997) teaches this deficiency (column 5 lines 3-61 and column 7 line 9 – column 8 line 38. One of ordinary skill in the art would have been motivated to allow the update apparatus in Yeates' teaching to include the feature of determining whether the data should be updated based on the date and time of the last update recorded as taught by

Kullick because using date and time to determine whether the current data should be updated is generally available to one of ordinary skill in the art.

In response to applicant's argument that neither Yeates nor Kullick teaches a reproducible region and a recordable region as claimed in claim 2, examiner respectfully disagrees. The reproducing region claimed by the applicant stores original database (see paragraph 26 of the specification and Fig. 1), which corresponds to read-only memory device in Kullick's teaching that stores primary data (column 2 lines 53-63 and Fig. 2). Although the primary data stored in the read-only memory device may not be modified, it is not contradict to how the applicant defines the term of "reproducible region". The recordable region stores modified/updated data (see paragraph 27 of the specification and Fig. 1), which corresponds to the read-write memory device in Kullick's teaching that stores updated data (column 2 lines 63-64 and Fig. 2). Furthermore, Yeates modified by Kullick teaches the optical disc recording/reproducing apparatus records modified/updated data transmitted from the server to the date and time of the last update in the recordable region (see claim 2 below).

The arguments for claims 3-4, 7 and 28 are based on the arguments discussed above; thus, they are reversed the same basis.

In response to applicant's argument that neither Yeates nor Kullick teaches recording a new date and time of last update of the disc in the recordable region as claimed in claim 6, Examiner respectfully disagrees. Kullick teaches recording the date and time of the last update, which would correspond to this limitation (see claim 6 below).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4, 6 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeates et al., U. S. Patent 5,644,782 in view of Kullick et al., U. S. Patent 5,751,997.

As to claim 1, Yeates teaches a database updating apparatus comprising  
(abstract):

- a) a computer network (Fig. 1);
- b) a server which provides database-related information through the computer network (column 2 lines 5-30 and Fig. 1);
- c) a user computer which accesses the server through the computer network and retrieves the database-related information, wherein (column 2 lines 5-30 and Fig. 1): the user computer comprises an optical disc recording/reproducing apparatus which records data in or reproduces data from an optical disc (column 2 line 31 – column 3 line 10 and Figs. 1-2).

Yeates does not specifically teach that the optical disc comprising a database and a date and time of a last update of the database are recorded, and which is programmed to transmit the date and time of the last update to the server and to record

modified/updated data, which is transmitted from the server, on the optical disc; and the server is programmed to determine if modification/update of the database recorded on the optical disc is needed based on the transmitted date and time, and to transmit the modified/updated data to the optical disc recording/reproducing apparatus. However, Kullick teaches a computer device comprising an optical disc, the optical disc comprising a database, the computer device transmitting the date and time of the last update information of the database regarding the optical disc to the server (*is interpreted as the primary and second storage device in Kullick's teaching*) and to record modified/updated data, which is transmitted from the server on the optical disc; and the server is programmed to determine if the modification/update of the database recorded on the optical disc is needed based on the transmitted date and time, and to transmit the modified/updated data to the optical disc recording/reproducing apparatus (column 5 lines 3-61 and column 7 line 9 – column 8 line 38 and Figs. 1-4C). Kullick does not specifically teach the date and time of the last update information of the database are recorded on the optical disc. It would have been obvious to one of ordinary skill in the art to allow the date and time of the last update information of the database to be recorded on the optical disc because this would transmit all the necessary information from the optical disc (i.e. database, date and time of the last update) to the server at once; thus reducing the complexity of multiple transactions. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the optical disc in Yeates' teaching to include a database and a date and time of a last update of the database are recorded, and which is

programmed to transmit the date and time of the last update to the server and to record modified/updated data, which is transmitted from the server, on the optical disc; and the server is programmed to determine if modification/update of the database recorded on the optical disc is needed based on the transmitted date and time, and to transmit the modified/updated data to the optical disc recording/reproducing apparatus as taught by the modified teaching of Kullick for efficiently updating and centralizing information between an optical disc and a server.

As to claim 2, Yeates further teaches the optical disc has a reproducible region and a recordable region, and the optical disc recording/reproducing apparatus records modified/updated data transmitted from the server in the recordable region (column 2 line 24 – column 3 line 10 and Figs. 1-2; *specifically, "reproducible region" corresponds to Read-Only Memory Device 274, and "recordable region" corresponds to "Read-Write Auxiliary Memory device 276 in Yeates' teaching*). Yeates does not specifically teach the recording date and time of the last update in the recordable region. However, Kullick teaches recording the date and time of the last update (Figs. 3a-3b). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the date and time of the last update to be recorded in the recordable region so that the updating information can be better verified and audited.

As to claim 4, Yeates teaches a method of updating a database comprising: permitting a user computer usable with an optical disc, on which a vendor database is recorded in a read only region of the optical disc, to access a server of the database vendor through a computer network, recording modified/updated data in a recordable

region of the optical disc if modification/update is needed; and recording the modified/updated data on the optical disc (column 2 line 5 – column 3 line 10 and Figs. 1-2). Yeates does not specifically teach receiving a date and time of a last update of the database recorded in a recordable regions of the optical disc from the user computer and determining whether modification/update of the database is needed based on the received date and time. However, Kullick teaches a user computer comprising an optical disc, the optical disc comprising a database, receiving from the user computer a date and time of the last update information of the database regarding the recordable disc and determine whether modification/update of the database is needed based on the received date and time (column 5 lines 3-61 and column 7 line 9 – column 8 line 38 and Figs. 1-4C). Kullick does not specifically teach the date and time of the last update information of the database are recorded on the optical disc. It would have been obvious to one of ordinary skill in the art to allow the date and time of the last update information of the database to be recorded on the optical disc because this would transmit all the necessary information from the optical disc (i.e. database, date and time of the last update) to a server at once; thus reducing the complexity of multiple transactions. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Yeates' teaching to include the feature of receiving a date and time of a last update of the database recorded on the disc from the user computer and determining whether modification/update of the database is needed as taught by the modified teaching of Kullick for efficiently and securely updating and centralizing information between an optical disc and a server.



As to claim 6, Yeates does not specifically teach recording a new date and time of the last update on the disc of the recordable region. However, Kullick teaches recording the date and time of the last update (Figs. 3a-3b). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the date and time of the last update to be recorded in the recordable region so that the updating information can be better verified and audited.

As to claim 28, Yeates teaches a method of distributing and maintaining a database, comprising (abstract):

- (a) distributing an optical disc having a read-only region in which a data base corresponds to a first data in recorded and a recordable region in which the first data is recorded (column 2 line 31 – column 3 line 36 and Fig. 2);
- (b) operating the optical disc in a user computer having an optical disc reproducing/recording apparatus (column 2 lines 5-30 and Fig. 1);
- (c) maintaining updating data for the data base corresponding to a second data on the server (column 2 line 31 – column 3 line 36 and column 3 line 38 – column 4 line 28 and Fig. 2, 4);
- (d) accessing the server and transmitting the first data to the server (column 2 line 31 – column 4 line 28 and Figs. 2-4);
- (e) transmitting the update data and the second data to the user computer (column 2 line 31 – column 4 line 28 and Figs. 2-4);
- (f) storing the update data in the recordable region of the optical disc (column 2 line 31 – column 4 line 28 and Figs. 2-4);

(g) updating the first data stored in the recordable region to the second data (column 2 line 31 – column 4 line 28 and Figs. 2-4).

Yeates does not specifically teach first data is a first date and time, and the second data is a second date and time, and transmitting the second data to the user computer if the second date and time is later than the first date and time. However, these matters are taught by Kullick as receiving a from the user computer a date and time of the last update information of the database installed in the user computer, and determines whether an update is need based on the date and the time of the last update received from the user computer and the date and time of updated stored in the database server (column 5 lines 3-61 and column 7 line 9 – column 8 line 38 and Figs. 1-4C). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Yeates' teaching to include the feature of as taught by Kullick for efficiently and securely updating and centralizing information between a user computer and a server.

5. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeates et al., U. S. Patent 5,644,782 in view of Kullick et al., U. S. Patent 5,751,997 in further view of Alloul et al., U. S. Patent 6,032,130.

As to claims 3 and 7, Yeates modified by Kullick teaches the server transmitting information, which is received from the user computer, to the user computer and the optical disc recording apparatus records the information on the optical disc as discussed in claims 1 and 4 above. Yeates modified by Kullick does not specifically teach the information is a purchase order. However, Alloul teaches electronic transactions involve

purchase orders (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the information in the teaching of Yeates modified by Kullick to be a purchase order for expanding the usage environment of the database updating apparatus; thus attracting more clients to use the apparatus.

### ***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306 (Official Communications; including After Final  
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Plaza Two, Room 1B03.

Mary Cheung  
Patent Examiner  
Art Unit 3621  
March 28, 2005

